IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 19527 OF 2005

Date: 15.09.2005

BETWEEN:

Perugu Chinna Venkata Subbaiah,

…. PETITIONER

Vs.

1. The Government of Andhra Pradesh, rep. by Principal Secretary, Revenue Department, Secretariat, Hyderabad and others.

…. RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO. 19527 OF 2005

ORDER:

The petitioner along with one Kanthugari Laxmamma purchased an extent of 1949 Sq. yards in R.S.No.159/3 of Kommadhi village from one Mr. Sekhara Mahanti Gurunadha Rao. The petitioner alleges that before purchasing the said land he made enquiries and came to the conclusion that the land is Zeroyat land and not an assigned land. The third respondent herein initiated proceedings under Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') and issued notice dated 24.1.2005 under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 (for short 'the Rules') to the petitioner's vendor to show cause as to why the assignment made in favour of Uppada Gurrayya (the original assignee) should not be cancelled. After considering the explanation submitted by the Gurrayya, the third respondent passed orders on 16.5.2005 holding that the sale transaction is not valid and directed resumption of land to the Government. This order is assailed in this writ petition.

The learned counsel for the petitioner does not dispute that under Section 4-A of the Act an appeal against the orders of the Mandal Revenue Officer (MRO) cancelling the assignment and resuming the land to the Government would lie to the Revenue Divisional Officer (RDO). The appeal remedy is not availed by the petitioner. However, the same is said to be justified by the learned counsel for the petitioner on the ground that the petitioner was not issued any notice prior to passing the impugned order. According to the learned counsel Gurunadha Rao purchased the land from Seethamma, who had purchased the land from Gurrayya and the petitioners purchased from Gurunadha Rao. Secondly, he would urge that the assignment in favour of Gurrayya was prior to coming into force of the Act and therefore, Section 3 of the Act is not attracted.

A copy of the assignment made by the Government in favour of Gurrayya is not placed before this Court to appreciate the contention that being the year 1977 assignment, the Act has no application. Therefore, the petitioner is given liberty to avail the appeal remedy against the orders of the MRO before the jurisdictional RDO. As and when such an appeal is filed, the RDO shall take up the same and pass appropriate orders within a period of eight weeks. Two weeks time from the date of receipt of a copy of this order is granted to the petitioner to file appeal. To enable the petitioner to obtain appropriate orders, there shall be status quo as on today, if the petitioner is still in possession of the land.

The Writ Petition, with the above observations, is accordingly disposed of at the admission stage.

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(**V.V.S. RAO, J.)**

15th September, 2005

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